

Remarks

The Office Action mailed January 5, 2005, and made final, has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-15 are now pending in this application. Claims 1-9 have been allowed. Claim 10-12 are rejected. Claims 13 and 14 are objected to. Claims 10 and 12-14 have been amended and Claim 15 has been newly added herein. Applicant gratefully acknowledges the allowance of Claims 1-9 as well as the indication of allowable subject matter in Claims 13 and 14. No new matter has been added with the addition of newly added Claim 15. A fee calculation sheet for newly added independent Claim 15 along with authorization to charge a deposit account in the amount of the calculated fee is also submitted herewith.

The rejection of Claims 10-12 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,468,939 (MacLean) is respectfully traversed.

MacLean describes a container for popping popcorn in a microwave oven. The container includes bottom, front, side, rear and top walls which are generally rectilinear and define an interior space for containing the popcorn. The container is formed of a cardboard material, and the side walls are collapsible inwardly to permit the container to collapse when pressure is applied to its bottom and top wall and to expand to define the interior space when pressure is applied to the junction of the rear wall and one of the top and bottom walls, and the junction of the front wall and the other of the top and bottom walls. A material which reflects microwaves is disposed on the bottom wall and on a strip at the lower edges of the front rear and side walls.

Claim 10 recites a collapsible microwave cooking container comprising "a generally, rectangularly shaped paperboard blank folded along crease lines to form a bottom portion, a first side portion, a top portion, and a second side portion...a first collapsible side and a second collapsible side...wherein said first and second collapsible sides are formed by cooperating, bendable segments provided to opposed sides of each of said top portion, bottom portion, and first and second side portions...wherein at least one of said bendable segments provided to said first and second side portions cooperates with at least one of said bendable segments provided to said bottom portion to form an arcuate corner."

MacLean does not describe or suggest each of the recitations of Claim 10. Specifically, MacLean does not describe or suggest a container including a bottom portion, a first side portion, a second side portion, a first collapsible side, and a second collapsible side, wherein the first and second collapsible sides are formed by cooperating, bendable segments provided to opposed sides of each of the top portion, the bottom portion, and the first and second side portions, and wherein *at least one of the bendable segments provided to the first and second side portions cooperates with at least one of the bendable segments provided to the bottom portion to form an arcuate corner*. Accordingly, Applicant respectfully submits that Claim 10 is patentable over MacLean.

For at least the reasons as set forth above, Applicant respectfully requests that the 35 U.S.C. § 102(b) rejection of Claim 10 be withdrawn.

Claims 11 and 12 depend, directly or indirectly, from independent Claim 10 which is submitted to be in condition for allowance. When the recitations of Claims 11 and 12 are considered in combination with the recitations of Claim 10, Applicant submits that dependent Claims 11 and 12 are also patentable over MacLean.

For at least the reasons set for above, Applicant respectfully requests that the Section 102(b) rejection of Claims 10-12 be withdrawn.

The rejection of Claims 10-12 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Pub. No. US 2003/0106899 (Langen) is respectfully traversed.

Langen describes a container for making popcorn in a microwave oven. The container includes an outer enclosure enclosing an outer cavity. The outer enclosure is preferably made from a rigid or semi-rigid microwave transparent material. An inner enclosure is enclosed within the outer cavity. A susceptor is provided for absorbing microwave radiation to heat popcorn kernels. The inner enclosure will release a plurality of un-popped popcorn kernels and a charge enclosed in the inner enclosure when the container is subjected to a heat source such as microwave radiation. The outer enclosure is movable, by application of external forces to the outer enclosure, from a first configuration to a second erected configuration and the outer cavity has increased in size so as to accommodate popped kernels released from the inner enclosure.

Claim 10 recites a collapsible microwave cooking container comprising “a generally, rectangularly shaped paperboard blank folded along crease lines to form a bottom portion, a first side portion, a top portion, and a second side portion...a first collapsible side and a second collapsible side...wherein said first and second collapsible sides are formed by cooperating, bendable segments provided to opposed sides of each of said top portion, bottom portion, and first and second side portions...wherein at least one of said bendable segments provided to said first and second side portions cooperates with at least one of said bendable segments provided to said bottom portion to form an arcuate corner.”

Langen does not describe or suggest each of the recitations of Claim 10. Specifically, Langen does not describe or suggest a container including a bottom portion, a first side portion, a second side portion, a first collapsible side, and a second collapsible side, wherein the first and second collapsible sides are formed by cooperating, bendable segments provided to opposed sides of each of the top portion, the bottom portion, and the first and second side portions, and wherein *at least one of the bendable segments provided to the first and second side portions cooperates with at least one of the bendable segments provided to the bottom portion to form an arcuate corner*. Accordingly, Applicant respectfully submits that Claim 10 is patentable over Langen.

For at least the reasons as set forth above, Applicant respectfully requests that the 35 U.S.C. § 102(e) rejection of Claim 10 be withdrawn.

Claims 11 and 12 depend, directly or indirectly, from independent Claim 10 which is submitted to be in condition for allowance. When the recitations of Claims 11 and 12 are considered in combination with the recitations of Claim 10, Applicant submits that dependent Claims 11 and 12 are also patentable over Langen.

For at least the reasons set for above, Applicant respectfully requests that the Section 102(e) rejection of Claims 10-12 be withdrawn.

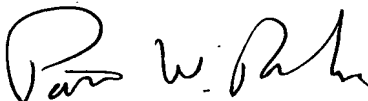
The objection to Claims 13 and 14 is respectfully traversed. Claims 13 and 14 depend from independent Claim 10. When the recitations of Claims 13 and 14 are considered in combination with the recitations of Claim 10, Applicant submits that dependent Claims 13

and 14 likewise are patentable. For the reasons set forth above, Applicant requests that the objection to Claims 13 and 14 be withdrawn.

Newly added Claim 15 is an independent claim that is believed to be patentable over the cited art. More specifically, Applicant respectfully submits that none of the cited art describes or teaches the container recited in Claim 15. Accordingly, Applicant respectfully submits that Claim 15 is patentable over the cited art.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Patrick W. Rasche', written over a horizontal line.

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